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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,963	07/22/2003	Brian J. Belfiore	LEE 2 00293	5329
27885	7590	03/14/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			KERNS, KEVIN P	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,963

Applicant(s)

BELFIORE ET AL.

Examiner

Kevin P. Kerns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-27 and 30 is/are rejected.
- 7) ☒ Claim(s) 1, 13, 14, 16, 17 and 21-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/18/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. With regard to the Information Disclosure Statement of December 18, 2003, the applicants are referred to the two incorrect (marked-through) reference citations. The applicants are requested to resubmit another IDS that includes these two corrected citations (the US Patent Numbers and inventors for both citations are incorrect in the fact that they do not match with each other).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "262" (Figure 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because the phrase "is disclosed" should be deleted from the 1st line, as the phrase "is disclosed" is a phrase that can be implied. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: on page 1, 9th line, "Sakai 5,053,591" is incorrect, as the inventor's name in US Patent No. 5,053,591 is "Theurer". However, it is believed that the Sakai reference is pertinent to the applicants' invention in the fact that it has been disclosed by the applicants in the "Incorporation by Reference" section of the application. The applicants are requested to resubmit another IDS that includes the correct US Patent Number for the "Sakai" reference (also see the IDS section in paragraph 1 above for other references that were not considered due to mismatched US Patent Numbers and inventor names). On page 10, 14th and 17th lines, it is believed that "lever" should be changed to "pivot" before "mount" on both occasions. Appropriate correction is required.

Claim Objections

5. Claims 1, 16, 17, and 21-30 are objected to because of the following informalities: in claim 1, 2nd line, replace "mounting" with "member" after "support" to obtain proper antecedent basis for claim 1. In claim 16, 2nd line, replace "extend" with "extending after post". In claims 17 and 30, 5th line of both claims, replace "member" with "members" after "second". In the 1st line of all of claims 21-30, replace "gripping

device" with "compression cylinder" for agreement with the 1st line of independent claim

20. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 11, 12, 15-24, 26, 27, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kensrue (US 6,568,578).

Kensrue discloses a welding wire feed mechanism, in which the wire feed mechanism includes the following elements: a support member; a pair of pinch rolls (driver 44 and idler 46) having respective roll surfaces (driver 64 and idler 66), with one of the rolls being mounted to the support member, and the combination of rolls being operable for gripping the welding wire therebetween; a lever mechanism pivotably mounted around a pivot shaft 70; a compression cylinder (mount 108 defining a cylindrical spring pocket) that includes first and second biasing members (104,105) in the form of separate springs sharing a common spring axis, in which the springs are compression springs that are selectively of differing heights, differing spring moduli, and

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differing or uniform spring rate (embodiments of Figures 2, 3, 5, and 7-9); a cylinder post (shaft 106 of Figure 4) that includes a threaded portion 134 at one end that engages with a through hole 114 in the support member and is biased by the first spring 104; and a pivotably connected adjustable spacer 110 (defining a drive position, a released position, and a plurality of intermediate positions) that pivotably attaches to the cylinder post, or shaft 106 (abstract; column 1, lines 7-10; column 2, lines 40-67; column 3, lines 1-67; column 4, lines 1-12 and 51-67; column 5, line 1 through column 11, line 11; and Figures 2-9).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 7-10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kensrue (US 6,568,578) in view of Tabellini (US 5,775,619).

Kensrue discloses the elements of independent claims 1 and 20 above. Kensrue does not disclose that one of the first and second springs are positionable within the other (concentrically arranged).

However, Tabellini discloses a roller that includes concentrically arranged spring members, such that the concentric springs are advantageous for obtaining precise linear elastic reaction forces (abstract; column 2, lines 62-67; column 3, lines 1-54; column 4, line 26 through column 6, line 58; and Figures 1-4).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to modify the arrangement of the springs in the welding wire feed mechanism disclosed by Kensrue, by using the concentrically arranged spring members, as taught by Tabellini, in order to obtain precise linear elastic reaction forces (Tabellini; column 3, lines 45-54).

Allowable Subject Matter

11. Claims 13, 14, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest a gripping device and compression cylinder that include all the features of independent claims 1 and 20, respectively, and further including the following elements: 1) a lever arm having either a locking ridge or a locking groove that cooperates with an end surface that includes the other of a locking ridge or locking groove (dependent claims 13 and 28); and 2) one of the first and second outer surfaces of the first and second members that have a spring pocket having adjustment graduations (dependent claims 14 and 29).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Kobayashi et al., Taiana, Takahashi et al., and Blank et al. references are also cited in PTO-892.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin P. Kerns *Kevin Kerns 3/4/05*
Examiner
Art Unit 1725

KPK
kpk
March 4, 2005